

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CYNTHIA ALICE BARTOE,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-06677

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Cynthia A. Bartoe's Complaint seeking review of the decision of the Acting Commissioner of Social Security, Carolyn W. Colvin ("Commissioner") [ECF 2]. By Standing Order entered April 8, 2013, and filed in this case on April 12, 2013, this action was referred to United States Magistrate R. Clarke VanDervort for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge VanDervort filed his PF&R [ECF 21] on August 19, 2014, recommending that this Court affirm the final decision of the Commissioner and dismiss this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not


conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R were originally due on September 5, 2014. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 21], **DENIES** Plaintiff’s motion for judgment on the pleadings [ECF 13], **GRANTS** the Commissioner’s motion for judgment on the pleadings [ECF 20], **DISMISSES WITH PREJUDICE** the Complaint [ECF 2], and **DIRECTS** the Clerk to remove this case from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 10, 2014



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE